



*Dedicated to a better Brisbane*

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Dr Jacqueline Dewar  
Committee Secretary  
State Development, Natural Resources and Agricultural Industry Development Committee  
Parliament House  
2A George Street  
BRISBANE QLD 4000  
sdnraidc@parliament.qld.gov.au

Dear Dr Dewar

Thank you for providing Brisbane City Council (Council) with the opportunity to provide a submission on the Economic Development and Other Legislation Amendment Bill 2018 (the Bill). In response, the following issues have been raised for consideration by the State Development, Natural Resources and Agricultural Industry Development Committee before the legislation contained in the Bill is finalised.

Council raises its concerns regarding the short timeframe provided to undertake a thorough review of the proposed amendments. While earlier consultation has occurred with Council, regarding changes to the *Economic Development Act 2012* (the ED Act), there are proposed amendments to other legislation incorporated in the Bill, such as the *Planning Act 2016* (the Planning Act), which need to be considered in further detail.

Council reiterates its previous concerns raised with the Queensland Government regarding the land use and infrastructure planning undertaken for priority development areas (PDAs) in the city. The PDAs have created a two-speed development environment and are being used to incentivise and attract development at the expense of the remainder of the city. The cumulative impact of the PDAs in the city represent a significant dilution of Council's role and ability to plan for the city's growth and deliver infrastructure.

In this regard, the proposed amendments to the ED Act should incorporate the following changes.

- Development standards – changes should be made to specifically require development within a PDA to be established in accordance with Council's infrastructure and design standards.
- Infrastructure charges – changes should be made to require any charges paid by developers to be passed onto Council. This ensures that developer contributions are provided to Council which will pay for Council's provision of infrastructure within a PDA as identified in the Local Government Infrastructure Plan 2016-2026.

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- 2 -

- PDA collaboration – since the introduction of the Memorandum of Understanding (MOU) between Council and Economic Development Queensland, significant progress has been made towards a more collaborative approach to plan-making, development assessment and contribution of assets for PDAs in the city. There is value in enshrining such principles from the MOU within the ED Act.
- Infrastructure – the differences, which exist between the ED Act and the Planning Act relating to infrastructure, need to be addressed as part of this amendment process. The differences between the definitions and understanding of the terms used creates confusion and uncertainty in how they are interpreted and implemented, which is likely to continue until the two Acts are aligned.

Comments on the proposed amendments to the Planning Act are provided in the attached table.

Should you require any further information about Council's submission, please do not hesitate to contact Mr Michael Madden, Senior Urban Planner, Neighbourhood Planning and Urban Renewal, City Planning and Economic Development, City Planning and Sustainability,

Yours sincerely



Colin Jensen  
**CHIEF EXECUTIVE OFFICER**

Comments on the proposed amendments to the *Planning Act 2016*

No.	Clause	Comment	Support/recommendation
1.	150 Amendment of section 65 (Permitted development conditions), and related transitional provisions in clause 341 Conditions of existing development approvals	The proposed change narrows the conditioning power to only bind the current owner of premises.	The intent behind this provision is acknowledged. The transitional provisions are supported.
2.	164 Amendment of section 119 (When charge may be levied and recovered)	The proposed change allows a local government to issue an Infrastructure Charges Notice (ICN) for a development approval that was a priority development area (PDA) development approval if the ICN is for the change.	This provision is supported as it provides an opportunity for local governments to levy some infrastructure charges if a development approval is changed after the subject land transitions from a PDA to the local government's jurisdiction. Brisbane City Council (Council) continues to advocate for an equitable system of cost recovery for development in PDAs to ensure extra demand placed on Council's networks is recognised.
3.	165 Amendment of section 121 (Requirements for infrastructure charges notice)	The proposed change is to rectify a missing provision from the repealed <i>Sustainable Planning Act 2009</i> in the transition to the <i>Planning Act 2016</i> (the <i>Planning Act</i> ).	It is recommended that the draft amendment to the <i>Planning Regulation 2017</i> be provided to local governments for consultation to ensure local governments are able to issue compliant ICNs when the amended <i>Planning Act</i> commences. It is assumed that the existing requirement for an ICN to include or be accompanied by a decision notice will either be removed or will be prescribed by the <i>Planning Regulation 2017</i> .
4.	166 Amendment of section 139 (Application to convert infrastructure to trunk infrastructure)	The provision appears to prohibit the making of a conversion application on a <i>Planning Act</i> approval that was a PDA development condition of a PDA approval.	If the intent of this amendment is to prohibit conversion applications for development approvals that were PDA development approvals and become <i>Planning Act</i> approvals, this is supported. However, it is recommended that the drafting be clarified to explicitly provide, in the <i>Planning Act</i> , that a conversion application cannot be made for a development approval that was a PDA approval. The

No.	Clause	Comment	Support/recommendation
			<p>drafting should also be clear that conversion applications cannot be made for PDA development approvals that become Planning Act development approvals, even where a change application is made once the development approval becomes a Planning Act development approval.</p>
5.	172 Amendment of section 230 (Notice of appeal)	<p>The provision provides an additional timeframe for persons to elect to co-respond to an appeal when they were not served with the notice of appeal.</p>	<p>The inclusion of this new timeframe is supported as it supports an expeditious resolution of appeal matters by ensuring potential parties take a proactive role in seeking to respond to matters even when service obligations have not been fulfilled.</p>
6.	182 section 341 Conditions of existing development approvals	<p>This provision preserves the validity of existing development conditions requiring compliance with an infrastructure agreement for the premises.</p>	<p>This provision is supported (see earlier comment on clause 150).</p>
7.	182 section 344 Validation provision for particular infrastructure charges notices under old Act	<p>These provisions declare that ICNs given under the old Act are valid whether or not an information notice about the decision to give the infrastructure charges notice was included.</p>	<p>This provision is strongly supported as it supports local governments in collecting revenue for demand on infrastructure networks where ICNs were otherwise issued lawfully.</p>